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SENSITIVE

E.O. 12958: N/A

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SUBJECT: GOVERNMENT ARRESTS MINOR OPPOSITION FIGURE

1. (SBU) Pastor Theodore Ngoy, an opposition gadfly and self-proclaimed presidential candidate, was arrested December 29. His arrest came one day after he filed a motion with the Supreme Court to cancel the results of the December 18 referendum due to his (comment: unsubstantiated) claim that President Kabila had continued to campaign after the established deadline. This was the second arrest in as many weeks for Ngoy who was also detained for five days for leading an unauthorized rally against the referendum.

2. (SBU) Pastor Ngoy's supporters believe his arrest is a government attempt to derail his political career. If tried and convicted, he would be ineligible to run for president. Local human rights organizations and Ngoy's lawyer report that he has been charged under the "general provisions" of the legal code, a catch-all category that covers insulting the president.

3. (SBU) Ngoy claims to have been beaten during the arrest, along with several members of his congregation. He was held by the Gombe (district of Kinshasa) prosecutor for the legal 48-hour detention period before being transferred to the central Kinshasa prison (CPRK) on December 31. Ngoy has repeatedly asked for medical assistance, and on January 7, at the behest of the MONUC Human Rights Division, was seen by his personal physician who reportedly diagnosed him with cerebral malaria. This diagnosis has not been confirmed independently. The human rights organization ASADHO is seeking further information, but has established that Ngoy was indeed ill and under medical care at the time of his arrest.

4. (SBU) Comment: Ngoy has a long history of dissent and detentions on the margins of the political scene, dating back to his opposition to the 1998 Lusaka Agreement. Arresting him has only elevated his stature and drawn attention to claims that the general population would have otherwise ignored. In the wake of a successful referendum, the government's clumsy move has played right into the hands of a man intent on grabbing headlines. End comment.

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